

FAX TRANSMISSION TO USPTO: Office of petitions

Fax # 571-273-8300

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AUG 19 2011

OFFICE OF PETITIONS

Subject: Request for Information

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AUG 05 2011

Attn. To: Ms. Kenya McLaughlin

Content: Documents re why failure to pay maintenance  
fee along with letter of explanation.

From: John G. Shaw - Owner and Inventor Patent  
#6108992

Return Phone #905-786-2467

Fax #905-786-2903

No. of Pages including cover sheet 5

Σ= 18 '00 9:23

Via Fax To: 1-571-273-8300

U.S.P.T.O. ATTN: Ms. Kenya McLaughlin

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Thank you for your phone call pursuing discussion regarding my petition for re-establishing my Patent #6108992.

I had forwarded to you via fax to #517-273-8300 the enclosed, which was received in your office on May 31, 2011.

In my letter of May 26<sup>th</sup> I tried to address the requirements of 37CFR 1.378(B)

I also provided copies of my assignment agreement to Mr. Arff also enclosed cancellation agreement and also a signed agreement that Mr. Arff failed to pay the maintenance fees. To put it bluntly, he lied to me by telling me that they had been paid. This is why we are in this situation.

Further, Canada Post went on strike for about 3 weeks June/July. There was no mail delivery. I am still getting straggling mail, which was mailed mid June.

In summary, I responded to your May 13<sup>th</sup> letter on May 31<sup>st</sup>. I thought that the ongoing correspondence with Mary Benton at the office of recordation was all part of the ongoing petition. I thought that it had been passed on from you to her. So, I have quite a thick file now in trying to get this mess straightened out.

Hopefully this will explain some of the reasons for the delay. My communications with the USPTO have been ongoing, but unfortunately not with the right department.

Yours truly

John Shaw

571  
May 26, 2011 (by Fax to 517-273-8300)

VIA FAX - 5 PAGES.

4401 Lakeshore Rd.  
Newcastle, Ontario  
L1B 1L9

Kenya A. McLaughlin  
Petition Attorney  
Office of Petitions  
Alexandria, V.A.  
22313-1450

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Thank you for your letter mailed May 13, 2011.

Enclosed please find a photo copy of the Assignment of Patent #6108992 from myself to Mr. Andre Arff, the first one dated June 30<sup>th</sup> 2006 (Letter of Intent), and the second one dated Oct. 3<sup>rd</sup>, 2007 (Assignment of Patent). Please note under terms and conditions "(B)", that Mr. Arff was to pay all maintenance fees to maintain Patent validity. I had questioned him verbally about the Maintenance Fees and he assured me that everything was current, and that I should not worry. Because our relationship was somewhat personal, I had no reason to doubt his word. To complicate matters, I had health issues (heart attacks) starting in 2008 and culminating in a heart attack in Nov. 2010, which resulted in open heart surgery at St. Michaels Hospital in Toronto on Nov. 16, 2010.

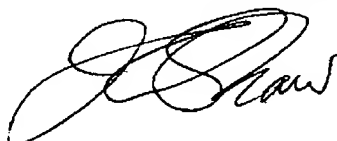
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I did not pursue this matter during that time as I was told to eliminate stressful situations. It has been seven months since my triple-bypass, and I now feel up to the tasks at hand.

Because Mr. Arff was less than sincere, when telling me that fees were paid, you can understand that our relationship is somewhat strained. I would prefer to re-establish my patent rights without his involvement, as it may require the additional costs to me, and I certainly would not be able to meet your timeline. I was first aware that the Patent had expired sometime in 2009, but was told by Mr. Arff that he would look after it. It should also be noted that I do not recall receiving any Notice of Cancellation. I'm not sure if the mailings were mailed to him based on the strength of the "Assignment of Patent".

I appreciated your efforts on my behalf and will contact you shortly to get a feel for where this is going. It has been over 11 years since the Patent was issued, and to this point it has not been profitable. I am still hopeful however that I may find someone who may see the merit of my invention. Obviously I cannot promote such happenings until I have restored my Patent rights.

Yours truly,



John G. Shaw 905-786-2467 phone  
905-786-2903 fax

- Enclosures: a) Assignment of Patent  
b) Letter of Intent prior to assignment  
c) Cancellation of Patent Assignment (form)

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JAN 19 '00 2:21

MAY 31 2011 Via FAX to: 571-273-8300

PAGE.002

U.S. PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, V.A.  
ATTENTION: KENYA A. MCLAUGHLIN

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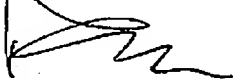
RE; ATTORNEY DOCKET 1123U101

MY NAME IS ANDRE ARFF. I WAS GIVEN EXCLUSIVE RIGHTS TO MARKET PATENT #6108992 UNDER AGREEMENTS DATED JUNE 3<sup>RD</sup>, 2006 AND OCT. 3<sup>RD</sup>, 2006.

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INCLUDED IN THAT AGREEMENT WAS THE CONDITION THAT I PAY ALL MAINTENANCE FEES TO MAINTAIN PATENT VALIDITY. I FAILED TO DO THAT. I ALSO FAILED TO INFORM MR. SHAW THAT THE FEES WERE UNPAID.

YOURS TRULY,



ANDRE ARFF

DATE: 30th May 2011

\* IT SHOULD BE FURTHER NOTED THAT I WAS NEVER INFORMED OF THE EXPIRATION DATE OR FORMALLY INVOICED FOR THE MAINT. FEES.



JAN 19 '00 2:20

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Via Fax To: 571-273-8300

ATTN: KENYA McLAUGHLIN

CANCELLATION OF ASSIGNMENT OF PATENTS

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MAY 31 2011

As of the date of execution of this document, I Andre Arff hereby surrender all rights and entitlements granted to me by John Shaw for patents No. 2286412 (Canadian) and No. 6108992 (U.S.A.), and as further outlined and executed on Pages 1 through 4 of "Assignment of Patents" dated Oct. 3<sup>rd</sup>, 2006, and witnessed by Mary Lou Reid, Commissioner.

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SIGNED THIS 31<sup>st</sup> DAY OF MAY 2011  
AT NEWCASTLE, ONTARIO.

ASSIGNOR [Signature] JOHN G. SHAW

ASSIGNEE [Signature] ANDRE ARFF

WITNESS [Signature]